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APPLICATION NO. 08/990,501	FILING DATE 12/15/97	FIRST NAMED INVENTOR CALUORI R	ATTORNEY DOCKET NO. CAL/972/US
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EXAMINER DAE, G

ART UNIT 3724	PAPER NUMBER 4
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DATE MAILED: 03/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/990,501

Applicant(s)

Caluori et al.

Examiner

Bae

Group Art Unit

3724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/17/98
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2, 4, 5, 7, and 8 is/are rejected.
- ☒ Claim(s) 3, 6, and 9 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 12/17/98 is ☐ approved ☒ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit:

DETAILED ACTION

1. This action is in response to applicant's amendment received on 12/17/1998.

Drawings

2. The proposed drawing correction filed on 12/17/1998 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

The drawings are objected to because the center line of the cut-away surface in Fig. 1B is deleted in the new drawing; Figs. 1A, 1B, and 1D should be in the same page because Fig. 1B is a cutaway side view of Fig. 1A and Fig. 1D is a top view of Fig. 1A. At least, Fig. 1A and Fig. 1D should be in the same page. In Fig. 1B the drawing is incomplete because the center line of the assembly 14 and the center line of aperture are not drawn; Fig. 1A, Fig. 2A, Fig. 3 are not consistent. The reference numeral "40" in Fig. 3 should be --14--. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit:

4. Claims 1-2, 4-5, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosten et al.

For claims 1-2 and 4-7, Bosten et al discloses the same invention for a cut alignment device 56 which can be attached to any suitable surface on the miter saw as taught in lines 43-44 in column 3 including a battery power source of 5 volt DC taught in line 34 in column 4; a beam light source 90; a switch 54; the light source 90 mounted within the blade mounting device 48 and a hole 58 taught in line 37 in column 3; a focusing lens 92; a blade lock washer shown in Fig. 4 between the numeral 132 and 130; the battery power source of 5 volt DC taught in line 34 in column 4 mounted within the blade mounting device 48.

For claim 8, Bosten et al discloses the same invention for a cut alignment device 56 which can be attached to any suitable surface on the miter saw as taught in lines 43-44 in column 3 including a battery power source of 5 volt DC taught in line 34 in column 4; a light source 90; a centrifugally engaged switch is simply a spring mass contact-switch which is shown in many engineering text books; the light source 90 projecting a light beam through a hole 58 taught in line 37 in column 3.

Allowable Subject Matter

5. Claims 3, 6, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit:

Response to Amendment

6. Applicant's remarks have been fully considered but they are deemed moot in view of the new grounds of rejection.

Page 2, lines 13-15, applicant contends that "Fig. 3 is inconsistent with the other figures because it is an alternative embodiment, which is the reason that reference numeral 40 is used in Fig. 3. See page 8, line 8, of the specification." However, it is examiner's position that the reference number 40 in Fig. 3 and the specification must be changed because the reference number 40 is used to designate a motor on the line 12, page 7, and "laser diode assembly 14" is on line 15, page 7.

Applicant contends that Bosten does not disclose or suggest a light source mounted to a spinning portion or a miter saw. It is the examiner's position that the claims are not restrictive to such features, but, instead, the claims merely require the source to be mounted to a cutting unit (claim 1) or blade mounting device (claims 4 and 8). Such is the case with Bosten. The assembly to which the light source is mounted is the same assembly, i.e., frame, that mounts the blade to the miter saw and motor. Thus, the light source is indeed mounted to the cutting and blade mounting device.

Conclusion

7. For the above reasons, the grounds of rejection are deemed proper.

Art Unit:

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bae whose telephone number is (703) 305-1920. The examiner can normally be reached on Monday through Friday from 8:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

gbae
February 26, 1999


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700